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## MEMO ENDORSED

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May 19, 2025

Hon. Laura Taylor Swain, U.S.D.J.  
United States Courthouse  
Southern District of New York  
Courtroom 17C  
500 Pearl Street  
New York, New York 10007-1312

Re: *ACGT Creative, Inc. v. Zachary Cherry*  
*Zachary Cherry v. ACGT Creative, Inc. and Laura Schechter*  
Case No.: 25-CV-00587-LTS

Dear Judge Swain:

We represent Plaintiff/Counterclaim Defendant ACGT Creative, Inc. (“ACGT”) and Third-Party Defendant Laura Schechter (“Schechter”) in the above-captioned action. Pursuant to your Honor’s Individual Rule 1(a), we, together with counsel for Defendant/Counterclaim Plaintiff Zachary Cherry (“Cherry”), respectfully submit this joint letter motion to request Your Honor refer the parties to a magistrate judge for mediation and temporarily stay all deadlines pending completion of early mediation. We believe a mediated resolution will benefit all parties, promote judicial efficiency, and obviate the need for exchange of discovery.

The parties held a Rule 26(f) conference on May 9, 2025, which triggered the formal commencement of discovery. During and after that conference, the parties conferred and agreed that an early mediation may lead to resolution without the need for further litigation. Therefore, the parties respectfully request Your Honor refer this matter to a magistrate judge to preside over the mediation, preferably held remotely, to be completed no later than June 20, 2025.

The parties also agreed that a temporary stay of all deadlines will allow mediation to proceed without the distraction and cost of ongoing discovery and motion briefing. Therefore, we respectfully request a stay of all discovery deadlines, as well as the deadlines for (i) ACGT/Schechter to file their answer/motion to dismiss; and (ii) Cherry and ACGT/Schechter to file their respective response and reply briefs. The parties respectfully request that, in the event mediation is unsuccessful, the deadlines for answer/motion,

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response and reply be three (3) weeks after mediation, three (3) weeks after submission of the answer/motion, and two (2) weeks after the response is filed, respectively.

This request is made in good faith and not for the purpose of delay. No party will be prejudiced by the requested stay.

Thank you for Your Honor's consideration.

Respectfully,

*/s/ Darryl R. Graham*

Darryl R. Graham

cc: All Counsel of record

The requested stay of deadlines pending mediation is granted. The case will be referred to a Magistrate Judge for general pretrial management, which includes settlement. The parties are directed to file a joint letter by **July 11, 2025**, regarding the status of the mediation and whether the stay should be terminated and relevant deadlines reset.

SO ORDERED.

May 20, 2025

*/s/ Laura Taylor Swain, Chief USDJ*